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09/912,490	07/26/2001	Donald France	2051/00002	6270

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Morris Liss  
Connolly Bove Lodge & Hutz LLP  
P.O. Box 19088  
Washington, DC 20036-0088

EXAMINER

WASYLCHAK, STEVEN R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/912,490

**Applicant(s)**

FRANCE ET AL.

**Examiner**

Steven R. Wasylchak

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 7/26/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. Claims 1-12 are pending.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 4, 6, 7, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Rantanen (US 6,685,562).

### **Claims:**

1. A method for selectively entering lottery entries into a state lottery drawing via an internet web site, the method comprising the steps of:  
  
entering the home page of the web site;/ fig 15,16; col 8, L 15-39; col 13, L 40-61

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querying users for their sign-in identification to establish whether they are  
pre-registered user members or non-members;/fig 6 (608); col 4, L 44-59; col  
12, L 12-38 (non-member by non-registration); col 1, L 12-40  
presenting pre-registered user members with a choice of member functions  
and content;/ col 8, L 15-39

presenting non-members with a choice of different functions and content;/ col 12  
L 12-38

presenting both members and non-members with a choice of common functions  
and content. / col 12, L 12-38 (since "not required" is used, the children's play  
game is optional and thus being a common function is a possibility.

4. The method set forth in claim 1 wherein the non-members choice of functions  
and content includes the establishment of an account for future play./ col 12, L  
13-38

6. A method for selectively entering lottery entries into a state lottery drawing  
via an internet web site, the method comprising the steps of:

accessing an internet web site server;/ fig 15, 16; col 7, L 45-60

connecting the web server to a transaction server via a security firewall; / col 7, L 45-  
60

selectively connecting the transaction server to a state lottery system either through:

a) a modem connection;

b) direct high speed connection; or / for a) and b): col 13, L 62 to col 14,  
L 50

c) an intermediary manual re-entry of member orders from members,  
received at the web site. /see b) above

7. A system for selectively entering lottery entries into a state lottery drawing via  
an internet web site, the system comprising:

means for entering the home page of the web site;

means for querying users for their sign-in identification to establish whether  
they are pre-registered user members or non-members;

means for presenting pre-registered user members with a choice of member  
functions and content;

means for presenting non-members with a choice of different functions and  
content; and

means for presenting both members and non-members with a choice of  
common functions and content./all refer to claim 1 above

10. The system of claim 7 wherein the means for presenting non-member choice  
of functions and content comprises means for establishing an account for future play./  
refer to claim 4

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12. A system for selectively entering lottery entries into a state lottery drawing via an internet web site, the system comprising: means for accessing an internet web site web server; and

means connecting the web server to a transaction server via a security firewall;

means for selectively connecting the transaction server to a state lottery system either through:

a) a modem connection;

b) direct high speed connection; or

c) an intermediary manual re-entry of member orders received from members at the web site./ all refer to claim 6 above

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 5, 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rantanen (US 6,685,562) and in view of Scagnelli et al. (US 5,921,865).

**Claims:**

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2. The method set forth in claim 1 wherein member choice of functions and content include depositing funds into the members pre-established accounts; and/ col 8, L 15-39

Rantanen does not explicitly disclose permitting the members to select an offered lottery game to play after a choice is made as to payment thereof. However, Scagnelli et al. discloses permitting the members to select an offered lottery game to play after a choice is made as to payment thereof./ col 2, L 10-20.

It would have been obvious to one of ordinary skill in the art to use this limitation for the advantage of increasing the number of players with different credit cards to increase the number of players and thus increase revenue.

3. Rantanen does not explicitly disclose the method of claim 1 wherein the member choices of functions and content includes accessing a member's account for selectively determining its current balance, history of wins and loses, and subscriptions for play that are currently active.

However, Scagnelli et al. does disclose the member choices of functions and content includes accessing a member's account for selectively determining its current balance, history of wins and loses, and subscriptions for play that

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are currently active./ col 9, L 52 to col 10, L 42; col 11, L 45-50. It would have been obvious to one of ordinary skill in the art to use this limitation for the advantage of keeping accurate records for auditing purposes.

5. Rantanen discloses the method set forth in claim 1 wherein the common functions and content for members and non-members selectively includes accessing information concerning:

the web site and descriptions of the games that may be played./ fig 14 (1404); fig 15 (1513-1514); col 2, L 23-28; col 8, L 15-39; col 12, L 12-38. However, neither Rantanen nor Scagnelli et al. explicitly disclose gambling addiction. It would have been obvious to one of ordinary skill in the art to use this gambling addiction aspect for the advantage of having data to be used by the state agency for gambling counseling and rehabilitation.

8. The system of claim 7 wherein the means for presenting member choice of functions and content comprises: means for depositing funds into the members pre-established accounts; and means for permitting the members to select an offered lottery game to play after a choice is made as to payment thereof./ refer to claim 2 above

9.

The system of claim 7 wherein the means for presenting member choice of functions and content comprises:  
means for accessing a member's account for selectively determining its current balance, history of wins and loses, and subscriptions for play that are



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currently active./ refer to claim 3

11. The system of claim 7 wherein the means for presenting member and non-member choice of functions and content comprises means for accessing information concerning: the web site, gambling addiction, and descriptions of the games that may be played./ refer to claim 5

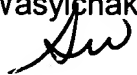
This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

1/5/05



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

